

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Plaintiff,

Case No. 1:17-cv-618

v.

Honorable Paul L. Maloney

D.J. PALLAS et al.,

Defendants.

ORDER FOR PARTIAL DISMISSAL
AND PARTIAL SERVICE

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's motion for voluntary dismissal (ECF No. 15) is GRANTED.

IT IS FURTHER ORDERED that Defendants Briki, Bird, Wilkinson, Cassidy, and Bernardo are DISMISSED WITHOUT PREJUDICE pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Defendants Dietz, Karel, Hall, Payton, Killough, and Newton-Newman are DISMISSED WITHOUT PREJUDICE for misjoinder, pursuant to Rule 20 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Defendants Pallas, Russell, Washington, and Hollenbeck are DISMISSED for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that the Clerk shall forward the amended complaint (ECF No. 13) to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants Goulet and Vanderwagen in the manner prescribed BY FED. R. CIV. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that the Defendants Goulet, Vanderwagen shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: November 17, 2017

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge